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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,784	01/11/2001	Philippe Charbonnier	43869.016000	1728
7590	10/06/2003			EXAMINER CRAVER, CHARLES R
Eugene C. Rzucidlo Greenberg Traurig LLP 21st Floor 885 Third Avenue New York, NY 10022			ART UNIT 2682	PAPER NUMBER
DATE MAILED: 10/06/2003 S				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. <b>09/758,784</b>  Examiner <b>Charles Craver</b>	Applicant(s) <b>Charbonnier</b>	
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1)  Responsive to communication(s) filed on \_\_\_\_\_.
- 2a)  This action is FINAL.      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- 4)  Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-18 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a)  All b)  Some\* c)  None of:
1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_      6)  Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 14 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claim 14, the phrase "similar to" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in-(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

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5. Claims 1, 2, 4-8 and 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Bell.

**Claim 1:** Bell discloses a network (10) of communication modules (D1..Dn, D0) making it possible to access exterior transmission networks (14) wherein is constituted of a hierarchical network of sets of modules of different elaborateness (e.g. D1&D0, D2&D0 etc) subject to a double-upward and -downward hierarchy (col 2 line 64-col 3 line 46, col 4 lines 50-60).

**Claim 2:** Bell discloses that a communication module (D0) may comprise means to associate with at least one other module of the network (D1..Dn, FIG 1A) using a short-range interface shared with the interface of the other module (col 2 line 64-col 3 line 22).

**Claim 4:** Bell discloses applicant's invention of claim 2 as set forth above, and further discloses processing/vocoding means (reads ergonomic stratum) and input means (reads actuation stratum, see col 4 lines 25-49) and, inherently, a power supply (reads power stratum), and voice recognition (col 4 lines 61-67). **Claim 5:** Bell discloses that the processing etc may use TDMA or CDMA (reads multiplexed) technology (col 4 lines 39-43). **Claim 6:** the processing/input means would be associated with those of another device if it was in communication with said device.

**Claim 7:** Bell discloses a communication module (D1..Dn, D0) making it possible to access exterior transmission networks (14) wherein is constituted of a hierarchical network of sets of modules of different elaborateness (e.g. D1&D0, D2&D0 etc) subject to a double-upward and -downward hierarchy (col 2 line 64-col 3 line 46, col 4 lines 50-60), which may comprise means

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to associate with at least one other module of the network (D1..Dn, FIG 1A) using a short-range interface shared with the interface of the other module (col 2 line 64-col 3 line 22), and further including processing/vocoding means (reads ergonomic stratum) and input means (reads actuation stratum, see col 4 lines 25-49) and, inherently, a power supply (reads power stratum). **Claim 8:** Bell discloses voice processing means (col 4 lines 25-43).

**Claims 10 and 11:** Bell discloses either a master or slave device (col 3 lines 4-23). **Claim 12:** Bell discloses that the device is portable, and includes a keyboard (col 4 lines 25-28). **Claim 13:** Bell discloses either a master or slave device (col 3 lines 4-23).

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bell in view of Liu.

Bell discloses applicant's invention of claim 2 above. Bell discloses a BLUETOOTH system, which inherently automatically optimizes association since the ad-hoc piconet is in a constant state of change. Bell fails to disclose the use of a manual means for optimization, however, Liu discloses that it is useful to allow a user to control a device's connection to two different networks, one direct and one a traditional cellular one (col 2 lines 5-46). Therefore, it

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would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Bell, as user control would allow the user to control security by connecting directly to the cellular network if available.

8. Claims 9 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell in view of Raith.

**Claim 9:** Bell discloses applicant's invention of claim 9 as shown above, but fails to disclose messaging. Raith discloses the utility of messaging (col 5 lines 50-64) in a combined-complexity system (FIG 3) wherein a handheld unit may communicate via a cellular system or an ad-hoc network (col 4 lines 20-67) such as BLUETOOTH (col 6 lines 48-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Bell as such would improve user interaction with the network.

**Claims 16 and 17:** Raith discloses that the application means may cooperate with another means to determine if a substitution (i.e. switch) is necessary (col 4 lines 20-62). **Claim 18:** Bell discloses TDMA and CDMA (col 4 lines 39-43).

9. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell in view of Calloway.

**Claim 14:** Bell discloses applicant's invention of claim 7 as shown above, but fails to disclose control of home or automation means. Calloway discloses that BLUETOOTH, which

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can be applied to call group devices such as those taught by Bell (col 1 lines 43-60), can also be applied to the use of remote control of home/automation devices (col 1 lines 13-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, given Calloway's disclosure of the use of a BLUETOOTH device as a remote control, to add such a feature to Calloway, as it would allow replacement of other devices, consolidating them into one user device. **Claim 15:** Bell discloses either a master or slave device (col 3 lines 4-23).

*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Balog, Wingren and Johnsson disclose ad-hoc networks.

**11. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

(703) 872-9314 (for informal or draft communications, please label "PROPOSED"  
or "DRAFT")

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Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, sixth floor (receptionist).

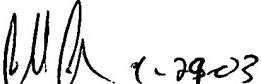
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Craver whose telephone number is (703) 305-3965.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached on (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

cc

C. Craver  
September 29, 2003

  
1-29-03  
**CHARLES CRAVER**  
**PATENT EXAMINER**